

# **EXHIBIT 12**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARIA MAHMOOD  
Plaintiff,

v.

NATIONAL BOARD OF MEDICAL  
EXAMINERS,

Defendant.

Civil Action No. 2:12-CV-01544-PD

**AFFIDAVIT OF CATHERINE FARMER, PSY.D.**

Catherine Farmer, having been duly sworn, hereby deposes and states:

1. I am employed by the National Board of Medical Examiners ("NBME") as Director, Disability Services and ADA Compliance Officer, Testing Programs. As Director, my duties include, among other things, operational responsibility for the office that receives and processes requests for test accommodations for the United States Medical Licensing Examination™ ("USMLE"). I am responsible for making decisions and recommendations to approve such requests as well as the appropriate accommodation(s) to be provided. A copy of my curriculum vitae is attached hereto as Exhibit A.

2. The NBME's Office of Disability Services is responsible for implementing the policy of providing test accommodations solely to individuals with recognized disabilities under the Americans with Disabilities Act, as amended in 2008, (the "ADA"). In doing so, the Office of Disability Services ("DS") reviews, among other things, requests for test accommodations for the USMLE. Upon receipt and review of an examinee's request for test accommodations and the submitted supporting documentation, NBME consults with outside experts with expertise in the

assessment, diagnosis, and treatment of the claimed disability to assist in determining whether the applicant's submission documents that she or he has a substantial limitation in a major life activity and, if so, what accommodation is appropriate.

3. Once an examinee is granted accommodations on Step 1, he or she generally requests and is granted the same accommodations on Step 2 CK and Step 3 provided that there are no significant changes to their disability and/or impairment.

4. According to NBME records and documents submitted by and on behalf of Maria Mahmood ("Mahmood") and received on April 24, 2007, Mahmood first requested testing accommodations for Step 1 of USMLE based on a visual disability.

5. Specifically, Mahmood requested double the amount of standard testing time, a paper administration, and permission to use an assistive monocular device during Step 1. NBME carefully reviewed all documents submitted in support of her request for test accommodations.

6. By a letter dated June 6, 2007, Mahmood was informed that she would receive the following accommodations on her Step 1 examination: double the standard amount of testing time, permission to use her monocular device, an enlarged LCD computer monitor and Zoomtext in lieu of a paper examination which is no longer available. Zoomtext is a screen magnification software.

7. Mahmood took Step 1 on August 13-14, 2007, with her requested accommodations and achieved a passing score.

8. On April 14, 2008, we received Mahmood's request for testing accommodations on Step 2 CK of USMLE. Mahmood requested the same accommodations provided to her for her Step 1 examination. Her request was granted by a letter dated May 6, 2008. Mahmood

scheduled her Step 2 CK examination for September 8-9, 2008, rescheduled it to December 29-30, 2008 and ultimately cancelled her administration, electing not to test.

9. On April 9, 2009, Mahmood again requested testing accommodations on Step 2 CK of USMLE. She requested the same accommodations provided to her for her Step 1 examination.

10. By a letter dated April 29, 2009, Mahmood was notified that she would receive double the amount of standard testing time, permission to use her monocular device, an enlarged LCD computer monitor and Zoomtext for her upcoming administration of Step 2 CK. Mahmood scheduled her Step 2 CK examination for August 3-4, 2009, rescheduled it to October 5-6, 2009, and ultimately took Step 2 CK with the requested accommodations on April 7-8, 2010.

11. On March 15, 2010, NBME received a request for test accommodations from Mahmood for Step 2 Clinical Skills (CS) examination. Unlike Step 1 and Step 2 CK, which are multiple choice examinations delivered via computer, Step 2 CS is a clinical skills exam that utilizes actors portraying patients to test medical students and graduates on their ability to gather information from patients, perform physical examinations, and communicate their findings to patients and colleagues. Mahmood requested the following test accommodations for Step 2 CS: double the standard amount of testing time on the patient note portion of the exam, one and one-half the standard amount of time on the patient encounter portion of the exam. She also noted that she was unable to perform an accurate ear, nose and throat examination.

12. In a letter dated May 16, 2010, Mahmood amended her request for accommodations to double time on the patient note, use of a monocular device, and permission to hand write the patient note.

13. By a letter dated June 7, 2010, Mahmood was informed that she was granted the following accommodations on her Step 2 CS examination: additional 10 minutes (double the standard amount of testing time) for her patient note, permission to use her monocular device and Zoomtext if she chose to type the patient note. Mahmood requested an additional 15 minutes for the patient note section; use of her monocular device; and permission to hand write her note on a clipboard on a second administration of Step 2 CS. Mahmood took Step 2 CS on October 1, 2010 with these accommodations and failed.

14. On December 21, 2010, Mahmood again requested accommodations for the Step 2 CS, including an additional 15 minutes for the patient note section; use of her monocular device; and permission to hand write the patient note on a clipboard. Mahmood took Step 2 CS on March 25, 2011 with these accommodations and failed.

15. On September 3, 2010, NBME received a request from Mahmood to provide testing accommodations on another administration of Step 2 CK. By a letter dated September 20, 2010, her request to retake Step 2 CK with the same testing accommodations originally provided to her on April 7, 2010, was granted.

16. On May 3, 2011, NBME received a subsequent request from Mahmood for accommodations on Step 2 CK.

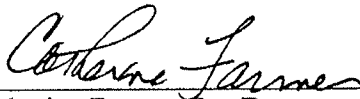
17. On May 7, 2011 Mahmood submitted her third request for testing accommodations on Step 2 CS requesting that NBME provide her with the same testing accommodations provided to her on her two prior attempts. Her request was granted by a letter dated May 16, 2011.

18. By way of a letter dated May 16, 2011, NBME notified Mahmood that she would receive the same accommodations previously provided on her prior Step 2 CK attempts.

19. Mahmood scheduled her Step 2 CK for August 8-9, 2011.

20. The foregoing is an accurate summary of the requests made by Maria Mahmood for testing accommodations for the USMLE and the NBME's responses granting such accommodations.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS \_\_TH DAY OF MAY  
2012.

  
Catherine Farmer, Psy.D.